



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/907,908	07/19/2001	Andre Messenger	Q65332	9943

23373 7590 07/14/2005

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2642

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/907,908

Applicant(s)

MESSENGER ET AL.

Examiner

Thjuan P. Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| - Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on April 19, 2005 has been entered. Claims 1 and 5 have been amended. No claims have been cancelled. No claims have been added. Claims 1-13 are still pending in this application, with claims 1, 5, 9, 11, and 12 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-2, 4-6, and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birze (US 5,926,537).
4. In regards to claims 1, 4, 5, 8, 9, 10, 11, 12, and 13, Birze discloses a method and network of providing preferential access for particular calls between preferred users of a communication network (telecommunications network Fig. 1) wherein said particular calls are established via circuits (circuit/call connection 80) between switching nodes (telecommunications exchange 20 and telecommunications exchange 30), said circuits comprising one circuit segment or a plurality of circuit segments connected in series, wherein for call setup each segment is selected from available circuit segments on a trunk between two switching nodes so that a circuit is set up enabling the calling user (calling party subscriber terminal 10) and the called user (called party subscriber

Art Unit: 2642

terminal 50A) to communicate (col. 3-4 lines 35-11), which method includes the steps of: permanently reserving at least one circuit segment on each trunk between switching nodes needed to set up circuits for said particular calls between users at least one of whom is a preferred user (col. 5 lines 31-41). Birze, however, does not specifically disclose dynamically allocating circuit segments selected from said reserved segments and needed to set up a circuit from a preferred user in the event of a call set-up request by said preferred user. However, it is well known in the art, that when a line/circuit is reserved for a particular user at a particular time, that after that time has expired, or the connection between the caller and called party has been terminated, the line/circuit is dynamically allocated. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the method and network, as a way of making sure that the lines/circuit are dynamically allocated in order to keep the traffic load balanced/reduced and to make sure that the lines/circuits are "recycled" for further usage.

5. In regards to claims 2 and 6, Birze discloses the method and network, wherein a preferred user attribute is assigned to each user and corresponds to a particular category indication in the case of preferred users included in the calling user identifier (distinctive ring tone) that is transmitted for setting up a circuit at the time of a call request (col. 4 lines 43-65).

6. Claims 3 and 7 are rejected under 103(a) as being unpatentable over Birze (US 5,926,537), in view of Bressler (US 6,584,190).

7. Birze discloses all of claims 3 and 7 limitations, except the method and network, wherein minimum-cost algorithm used to choose a circuit set up time of a call request gives priority to choosing the shortest circuit set up via one or more reserved circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the cal requested and uses an unreserved circuit segment of a trunk if no reserved segments of said trunk are available and said trunk has at least one unreserved segment available at the time. Bressler, however, does disclose the method and network, wherein minimum-cost algorithm used to choose a circuit set up time of a call request gives priority to choosing the shortest circuit set up via one or more reserved circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the cal requested and uses an unreserved circuit segment of a trunk if no reserved segments of said trunk are available and said trunk has at least one unreserved segment available at the time (col. 9 lines 3-29). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the method and network, as a way of balancing and reducing the traffic load, and also reducing cost.

### ***Response to Arguments***

8. Applicant's arguments filed 04/19/05 have been fully considered but they are not persuasive. Applicant states that the Examiner has not pointed to anything in Birze, which would correspond to two nodes between which a segment has been reserved. However, in the previous Office Action, Examiner pointed to, telecommunications

exchange 20 and telecommunications exchange 30 (See Fig. 1 and Fig. 2), as being the two nodes between which a segment has been reserved. Applicant further argues that Birze does not show or suggest providing preferential call setup by permanently reserving at least one circuit segment on each trunk for preferred users and then dynamically allocating the reserved segments to preferred users. Examiner respectfully disagrees with this argument. Birze, however, does show and suggest providing preferential call setup by permanently reserving at least one circuit segment on each trunk for preferred users (See col. 5 lines 31-41). It is well known in the art, that when a line/circuit is reserved for a particular user at a particular time, that after that time has expired, or the connection between the caller and called party has been terminated, the line/circuit is dynamically allocated. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the method and network, as a way of making sure that the lines/circuit are dynamically allocated in order to keep the traffic load balanced/reduced and to make sure that the lines/circuits are "recycled" for further usage.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2642

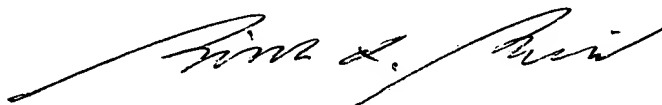
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



**BING Q. BUI**  
**PRIMARY EXAMINER**